
San Francisco Bay Regional Water Quality Control Board

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November 30, 2018

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Subject: Comments on Notice of Intent to Prepare an Environmental Impact Statement for a General Management Plan Amendment, Point Reyes National Seashore and North District of Golden Gate National Recreation Area, Marin County

Dear Mr. Ketcham:

San Francisco Regional Water Quality Control Board (Water Board) staff appreciates the opportunity to comment on the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for a General Management Plan (GMP) amendment, Point Reyes National Seashore and North District of Golden Gate National Recreation Area (planning area) by the National Park Service (NPS). The EIS for the GMP amendment will establish guidance for all lands currently under agricultural lease/permits within the planning area, relating to preservation of natural and cultural resources and management of infrastructure/visitor use. Based on the information provided in the NOI, we offer the comments below. These comments are to advise NPS of our concerns, so they may be incorporated into the planning and regulatory compliance process at an early date.

Comments on Beneficial Uses

The EIS will evaluate broad management strategies to improve visitor experience, preserve park resources, and a minimum of three alternatives for ranching operations: (1) No ranching; (2) no dairy ranching; and (3) reduced ranching. The EIS should identify and evaluate potential impacts and/or benefits of all proposed and alternatives actions and management strategies on existing beneficial uses protected by the San Francisco Water Quality Control Plan (Basin Plan). The following beneficial uses exist in the Marin Coastal Basin:

DR. TERRY F. YOUNG, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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- Agricultural Supply – Uses of water for farming, horticulture, or ranching, including but not limited to, irrigation, stock watering, or support of vegetation for range grazing.
- Cold Freshwater Habitat – Uses of water that support cold water ecosystems, including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
- Industrial Service Supply - Uses of water for industrial activities that do not depend primarily on water quality, including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well depressurization.
- Ocean, Commercial, and Sport Fishing - Uses of water for commercial or recreational collection of fish, shellfish, or other organisms in oceans, bays, and estuaries, including, but not limited to, uses involving organisms intended for human consumption or bait purposes.
- Marine Habitat – Uses of water that support marine ecosystems, including, but not limited to, preservation or enhancement of marine habitats, vegetation such as kelp, fish, shellfish, or wildlife (e.g., marine mammals, shorebirds).
- Shellfish Harvesting - Uses of water that support habitats suitable for the collection of crustaceans and filter-feeding shellfish (e.g., clams, oysters, and mussels) for human consumption, commercial, or sport purposes.
- Fish Migration - Uses of water that support habitats necessary for migration, acclimatization between fresh water and salt water, and protection of aquatic organisms that are temporary inhabitants of waters within the region.
- Preservation of Rare and Endangered Species - Uses of waters that support habitats necessary for the survival and successful maintenance of plant or animal species established under state and/or federal law as rare, threatened, or endangered.
- Fish Spawning - Uses of water that support high quality aquatic habitats suitable for reproduction and early development of fish.
- Warm Freshwater Habitat – Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
- Wildlife Habitat - Uses of waters that support wildlife habitats, including, but not limited to, the preservation and enhancement of vegetation and prey species used by wildlife, such as waterfowl.
- Water Contact Recreation - Uses of water for recreational activities involving body contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, whitewater activities, fishing, and uses of natural hot springs.

- **Noncontact Water Recreation** - Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tide pool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
- **Navigation** - Uses of water for shipping, travel, or other transportation by private, military, or commercial vessels.

The EIS should discuss these beneficial uses in the regulatory setting, identify any impacts to these beneficial uses, and if significant impacts are identified, provide mitigation to reduce impacts to less-than-significant.

Comments on Permitting

The GMA amendment and the EIS will evaluate and propose management strategies and actions that have the potential to impact waters of the State, such as enhancing trail connections and water development actions to minimize elk-related impacts. Any actions that could impact wetlands, streams, tributaries, riparian habitat, or other waters of the State will require a Clean Water Act (CWA) Section 401 water quality certification and/or Waste Discharge Requirements (WDRs) under Porter-Cologne from the Water Board. Water Board staff intend to work closely with the NPS to issue certifications and WDRs that are protective of water quality.

To that end, we encourage NPS to fully align the proposed general management guidance with Water Board regulations, policies, and process to address potential impacts and facilitate/streamline project permitting. An essential guidance to include would be the U.S. EPA's Section 404(b)(1), "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980. These Guidelines, found in the Basin Plan, identify the circumstances under which filling of wetlands, streams, or other waters of the State may be permitted. Utilizing these Guidelines, the Water Board prohibits all discharges of fill material into waters of the States, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the basic project purpose.

The Guidelines sequence the order in which proposals should be approached: 1) Avoid - avoid impacts to waters; 2) Minimize - modify project to minimize impacts to waters; and, 3) Mitigate – once impacts have been fully minimized, compensate for unavoidable impacts to waters. When it is not possible to avoid impacts to water bodies, disturbance should be minimized, and adequate compensation must be provided for the loss of water body acreage, functions, and values.

Comments on Ranching Alternatives

The NOI describes a range of ranch management alternatives that will be evaluated in the EIS. The proposed action includes developing a land management framework that integrates agricultural diversification, increases operational flexibility, and promotes

sustainable operational practices; comments on each are provided below. We have worked closely with NPS rangeland management staff and ranchers to improve ranching practices for a reduction in impacts to water quality, aquatic species and sensitive vegetation habitat (e.g. riparian zone and wetlands), and stream geomorphic and watershed processes (e.g. hydrology and sediment generation and transport). We have found that, with sustainable cattle rangeland and ranch management practices (e.g., rotational grazing), properly installed and maintained best management practices (BMPs), and appropriately prescribed grazing densities (by NPS), the existing ranching activities are compatible with protecting these resources.

1. **Diversification:** *“Diversification activities (e.g. poultry) would be allowed in the Ranch Core zone. Pasture areas would allow for some increased pasture management activities. Range areas would be dedicated to livestock grazing”.* Diversification activities in specifically identified locations within the planning area may not have impacts to natural resources in many cases. The potential for impacts will be specific to the type and location of diversification. The EIS should produce maps clearly identifying the types of diversification allowed in specific locations (see Ranch Core comments below). Areas that are too sensitive for diversification, or types of diversification that have a high impact generally, should be identified at the time of the EIS. Specific diversification activities that would be allowed in different land management units (LMUs) should be specifically identified and impacts considered. For example, chickens will have a different impact than pigs; crop impacts can vary depending on rates of fertilization, water use, and tilling.
2. **Ranch Core areas:** These constitute a small percentage of the land area but can have a relatively high impact on surface and groundwater. In the past, many dairies and ranches located their ranch infrastructure in low lying areas. These low-lying areas frequently flood due to their locations in the floodplain, on an alluvial fan, or from the convergence of high volumes of stormwater runoff from surrounding hillsides. Runoff from these areas is difficult to manage using BMPs because the flows can be very high, the stream course unstable (alluvial fans), and it is challenging to install suitable, cost-effective BMPs. For example, a typical economical BMP such as vegetated filtration strip, is not useful during flood flows and may also be ineffective due to the large volumes of stormwater overland flow that prevent filtration of the pollutants by the vegetation.

It is our understanding that in most current rangeland operations, cattle are not held in these Core areas for significant durations and predominantly are on the range and pasture lands. This significantly reduces pollutant generation and transport. However, if increased agricultural diversification occurs in Core areas, there may be significant generation and discharge of pollutants such as fertilizers (nitrogen and phosphorous), pesticides, and increased pathogens.
3. **Pasture areas:** It is unclear exactly how “pasture areas” have been determined. However, the basis for slopes < 20% as a qualifying topographic element should

be identified. Changes in land use below 20% slope can have significant impacts on watershed processes such as hydrology and sediment generation and transport.

Agricultural diversification in pasture areas may not have negative impacts to natural resources if the appropriate type of diversification is selected and correctly located. As an example, we have observed low density hen houses on wheels being used on ranches to increase diversification. With proper site selection and site rotation, this practice appears to have minimal natural resource impacts. The EIS should consider clear criteria for types of diversification and location criteria for pasture lands. Restrictions such as the proximity to ephemeral, intermittent and perennial streams, areas of high stormwater runoff, wetlands, natural ponds or other sensitive resources should be considered. Impacts to watershed scale processes (e.g. hydrology, sediment transport and generation) should also be assessed.

4. **Water Use:** Ephemeral, intermittent and perennial streams, wetlands, ponds, and seeps all provide critical functions for aquatic life and wildlife and determine vegetation composition in the watershed. Aquatic life and wildlife include the endangered coho salmon, threatened Steelhead, endangered red-legged frog, and freshwater shrimp; and wetland, riparian zone, and swale vegetation communities. To protect these beneficial uses, activities and facility changes identified in the GMP amendment should not result in increased surface water or ground water use. Low flows and drying pools in tributaries such as John West Fork are negatively impacting salmonids during late summer. Additional demand on water resources could have significant and negative consequences on these sensitive species and communities. The introduction of up to 2.5 acres of row crops per ranch and increased diversification of agriculture could increase water demand. This should be evaluated under current climate conditions and predicted climate change scenarios, with some thought given to monitoring water use.

Comments on Section 303(d) List

Tomales Bay and its tributaries are on the CWA section 303(d) list of impaired water bodies for pathogens. Two known pathogen sources are manure from livestock and residential/commercial septic systems. Lagunitas Creek is listed as impaired for sediment. The action plans for these water bodies, known as Total Maximum Daily Loads (TMDL), call for reductions in these pollutants. The EIS should consider the impact of agricultural diversification and increased recreational facilities (trails, picnic areas, and housing with associated restrooms/septic) with regards to TMDLs.

As part of implementing the Tomales Bay and Lagunitas Creek TMDLs, the Water Board has adopted two regulatory programs to oversee rangelands, dairies and other confined animal facilities such as equestrian facilities.

Our regulatory programs for grazing and commercial animal production require livestock grazing lands and confined animal facilities, including dairies and equestrian facilities, to implement management measures to control and reduce animal waste and sediment runoff to receiving waters. These programs apply to grazing operations and existing confined animal facilities that are located in the NPS planning area.

General Comments

1. The list of **Impact Topics** should be expanded to include: Watershed scale processes such as geomorphic and hydrologic processes. Geomorphic processes should include sediment generation and transport processes, as well as stream and floodplain geomorphic functions. Hydrology should include impacts to stormwater runoff characteristics (e.g., runoff volume and timing, percolation, Horton overland flow due to soil compaction); stream flow (e.g., volume, peak flow magnitude and timing, seasonal persistence) and groundwater recharge and discharge.
2. The positive impacts of increasing leases to **20-year leases** should be considered in the EIS. Positive impacts may include increased incentive for agricultural operators to invest time and finances into BMPs and increased grant fundraising opportunities, as grants may require long-term commitments. Additionally, measures to discontinue leases when lessees do not adequately protect natural resources as required in their leases should be evaluated.
3. The GMP amendment creates **Land Management Units (LMUs)** allowing different intensities of land use in Range, Pasture and Ranch Core (Core) LMUs. As stated in the NOI, *"Diversification activities (e.g., poultry) would be allowed in the ranch core zone. Pasture areas would allow for some increased pasture management activities. Range areas would be dedicated to livestock grazing"*. As each land use allows different types of use and intensity of use, it appears to be understood that these are decreasing in ecological sensitivity (Range, Pasture, Core areas). For many areas however, the degree of ecological sensitivity depends on the natural resource characteristic and impact considered. For example, relatively pristine rangelands are important sources of grasslands and rare vegetation habitat and are critical for many wildlife species, while Core areas may not be. However, Core areas may consist of floodplains, alluvial fans, and stormwater flow convergence and drainage areas promoting critical stream functions, wetland and riparian vegetation, and groundwater recharge zones. The rationale for dividing the ranches into these LMUs, the natural resource functions of each provides, and potential impacts from the allowed activities must be fully evaluated in EIS.

Closing

Again, we appreciate the opportunity to comment on the NOI, and we reiterate our intention to work closely with the NPS in permitting future projects in the planning area. If you have questions about our comments, please contact Nicole Fairley at nicole.fairley@waterboards.ca.gov or (510) 622-2424.

Sincerely,

Janet B.
O'Hara

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